

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

NATIONAL PRESTO INDUSTRIES,
INC.,

Plaintiff, Case No. 0:18-cv-03321-SRN-BRT

v.

U.S. MERCHANTS FINANCIAL
GROUP, INC.,

Defendant.

**DECLARATION OF JOHN S. ARTZ IN SUPPORT OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

I, John S. Artz, declare under penalty of perjury under the law of the United States of America and the State of Michigan that the following is true and correct:

1. I am over 18 years of age and am an attorney licensed by the State of Michigan at the law firm Dickinson Wright PLLC and represent National Presto Industries, Inc. ("National Presto") in this proceeding. I am admitted *Pro Hac Vice* in this litigation.
2. I am competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true. If called upon to testify as to the matters herein I could and would do so.
3. I provide this declaration in connection with *National Presto Industries, Inc. v. U.S. Merchants Financial Group, Inc.*, Case No. 18-cv-03321, in support of Plaintiff's

Motion for Summary Judgment as to its Sixth Claim Alleging Federal Copyright Infringement.

4. Attached as Exhibit 1 to this Declaration is a true and correct copy of NP 0000021.
5. Attached as Exhibit 2 to the Declaration is a true and correct copy of USM0000144. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
6. Attached as Exhibit 3 to the Declaration is a true and correct copy of various portions of the Deposition of Mary Jo Cohen and the Fed. R. Civ. P. 30(b)(6) deposition of National Presto Industries, Inc. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
7. Attached as Exhibit 4 to the Declaration is a true and correct copy of USM0000272. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
8. Attached as Exhibit 5 to the Declaration is a true and correct copy of NP0012466. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
9. Attached as Exhibit 6 to the Declaration is a true and correct copy of NP0012467. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
10. Attached as Exhibit 7 to the Declaration is a true and correct copy of NP0012468. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

11. Attached as Exhibit 8 to the Declaration is a true and correct copy of NP0012472.

This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

12. Attached as Exhibit 9 to the Declaration is a true and correct copy of NP0016786.

This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

13. Attached as Exhibit 10 to the Declaration is a true and correct copy of various portions of the Deposition of Jeff Green and the Fed. R. Civ. P. 30(b)(6) deposition of U.S. Merchants Financial Group, Inc. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

14. Attached as Exhibit 11 to the Declaration is a true and correct copy of USM0000133. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

15. Attached as Exhibit 12 to the Declaration is a true and correct copy of various portions of the Deposition of Robert Calder. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

16. Attached as Exhibit 13 to the Declaration is a true and correct copy of various portions of the Deposition of Gary Ojendyk. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

17. Attached as Exhibit 14 to the Declaration is a true and correct copy of USM0000293. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

18. Attached as Exhibit 15 to the Declaration is a true and correct copy of USM0000150. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
19. Attached as Exhibit 16 to the Declaration is a true and correct copy of USM0000134. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
20. Attached as Exhibit 17 to the Declaration is a true and correct copy of USM0006398. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
21. Attached as Exhibit 18 to the Declaration is a true and correct copy of USM0000218. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
22. Attached as Exhibit 19 to the Declaration is a true and correct copy of USM0000217. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
23. Attached as Exhibit 20 to the Declaration is a true and correct copy of USM0006890. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
24. Attached as Exhibit 21 to the Declaration is a true and correct copy of USM0006900. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.

25. Attached as Exhibit 22 to the Declaration is a true and correct copy of USM0006902. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
26. Attached as Exhibit 23 to the Declaration is a true and correct copy of USM0006924. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
27. Attached as Exhibit 24 to the Declaration is a true and correct copy of USM0002675. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
28. Attached as Exhibit 25 to the Declaration is a true and correct copy of various portions of the Deposition of Alfredo Bustamante. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
29. Attached as Exhibit 26 to the Declaration is a true and correct copy of USM0002751, 52, and 54. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
30. Attached as Exhibit 27 to the Declaration is a true and correct copy of USM0002759. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
31. Attached as Exhibit 28 to the Declaration is a true and correct copy of USM0000475. This document has been marked as Confidential – Attorneys’ Eyes Only and as such will be filed under seal.
32. Attached as Exhibit 29 to the Declaration is a true and correct copy of NP000048.
33. Attached as Exhibit 30 to the Declaration is a true and correct copy of NP000050.

34. Attached as Exhibit 31 to the Declaration is a true and correct copy of the Heat Machine instruction manual.
35. Attached as Exhibit 32 to the Declaration is a true and correct copy of UL Standard 1278.
36. Attached as Exhibit 33 to the Declaration is a true and correct copy of National Presto's HEATDISH packaging.
37. Attached as Exhibit 34 to the Declaration is a true and correct copy of Defendant's Heat Machine packaging.
38. Attached as Exhibit 35 to the Declaration is a true and correct copy of NP0015867, 16516, and 16789. This document has been marked as Confidential – Attorneys' Eyes Only and as such will be filed under seal.

Dated: January 28, 2021

/s/ John S. Artz

John S. Artz (P48578), *admitted pro hac vice*

DICKINSON WRIGHT PLLC

350 S. Main Street, Ste. 300

Ann Arbor, MI 48104

Telephone: (734) 623-7075

Facsimile: (844) 670-6009

Andrea L. Arndt (P78622), *admitted pro hac vice*

Franklin M. Smith (P76987), *admitted pro hac vice*

Yafeez S. Fatabhoy (P83064), *admitted pro hac vice*

DICKINSON WRIGHT PLLC

2600 West Big Beaver Road, Ste. 300

Troy, MI 48084

Telephone: (248) 433-7200

Facsimile: (844) 670-6009

jsartz@dickinsonwright.com

aarndt@dickinsonwright.com

fsmith@dickinsonwright.com

yfatabhoy@dickinsonwright.com

*Attorneys for Plaintiff/Counterclaim Defendant
National Presto Industries, Inc.*